

purported to be, and were represented for special dietary uses by man by reason of their vitamin properties in respect to vitamins A, C, E, and K; and the label did not bear, as required by the regulations, statements of the proportion of the minimum daily requirements of vitamins A and C and statements of the quantity of vitamins E and K which would be supplied by the tablets when consumed in a specified quantity during a period of one day, or a quantity reasonably suitable for consumption in such periods; and the label of the tablets failed also to bear a statement that the need for vitamins E and K in human nutrition has not been established.

Further Misbranding, Section 403 (a), certain statements in the circulars and placards were false and misleading. These statements represented and suggested that there were widespread deficiencies of vitamin B complex; that the tablets contained significant amounts of all known factors in vitamin B complex; that they contained substantial and nutritionally significant amounts of vitamins A, C, E, and K; and that they would be efficacious in the cure, mitigation, treatment, and prevention of constipation, digestive disturbances, extreme nervousness, insomnia, loss of appetite, skin diseases, inflammation of the eyes, loss of weight, "run down" conditions, muscular weakness, impaired growth, cataract, nervousness, loss of hair, canker sore mouth, redness and swelling of tongue, sensitiveness to bright light, bow legs, teeth cavities, rickets, poor growth, lack of vigor, restlessness, misshapen bones, retarded growth, loss of "pep," flabby condition of stomach and intestines, heart and blood vessel disturbances, nervous irritability, neuritis, loss of muscle tone, impaired digestion, night blindness, skin eruptions, lowered resistance, dryness of eyelids, stomach and intestinal disturbances, nerve degeneration, poor assimilation of other vitamins, gray hair, headache, dizziness, confusion, insomnia, indigestion, nausea, defective teeth, scurvy, gum diseases, fragile bones, soreness of joints, edema (swelling), and stomach ulcers. There are not widespread deficiencies of vitamin B complex; the tablets did not contain significant amounts of all known factors in the vitamin B complex; they did not contain substantial and nutritionally significant amounts of vitamins A, C, E, and K; and they would not be efficacious in the cure, mitigation, treatment, and prevention of the above-mentioned disease conditions.

DISPOSITION: December 10, 1947. A plea of guilty having been entered, the court imposed a fine of \$150 on each of the two counts of the information.

13482. Adulteration of Tri-B-Lex Vitamin B Complex. U. S. v. American Bio-Chemical Corp., Al G. Johns, and Joseph A. Blakeslee. Pleas of nolo contendere. Fine of \$500 against corporation and \$300 against each individual. (F. D. C. No. 22015. Sample No. 61607-H.)

INFORMATION FILED: August 1, 1947, Southern District of California, against the American Bio-Chemical Corp., Los Angeles, Calif.; Al G. Johns, president and treasurer; and Joseph A. Blakeslee, vice president and secretary.

ALLEGED SHIPMENT: Between the approximate dates of June 10 and July 8, 1946, from the State of California into the State of Washington.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent of the article, nicotinic acid, had been in part omitted and abstracted, in that the article purported to contain in each cubic centimeter 5 milligrams of nicotinic acid, whereas it contained a smaller amount.

The information alleged also that two other products, calcium levulinate and obstetrical pituitary, were adulterated under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2314.

DISPOSITION: August 11, 1947. Pleas of nolo contendere having been entered, the court imposed a fine of \$500 against the corporation and \$300 against each individual.

13483. Misbranding of Nature's Minerals Compound and High Potency Vitamin B Complex tablets. U. S. v. Nature's Mineral Food Co., a partnership, and Perry B. Smith. Pleas of guilty. Partnership fined \$500; individual, \$100. (F. D. C. No. 20162. Sample Nos. 16633-H, 16634-H, 17225-H.)

INFORMATION FILED: October 2, 1946, Southern District of Indiana, against the Nature's Mineral Food Co., Indianapolis, Ind., and Perry B. Smith, a partner.

ALLEGED SHIPMENT: On or about March 19 and April 12, 1945, from the State of Indiana into the State of Illinois. Accompanying the products were form letters bearing the heading "Good Morning," circulars entitled "Are You Suffering From Mineral Starvation," and leaflets entitled "Cause and Results," "Prostate Glands," "Testimonials for Nature's Minerals Rheumatism," and "Abundant Health."

Analysis showed that the Nature's Minerals Compound consisted essentially of compounds of calcium, sodium, iron, and magnesium, and sulfates, phosphates, chlorides, carbonates, free sulfur, and a trace of iodides. The High Potency Vitamin B Complex tablets contained thiamine chloride, nicotinic acid, and riboflavin.

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling of the products contained false and misleading representations regarding their efficacy in the treatment of various disease conditions and other abnormalities. The charges under Section 403 (a), which were based on these claims, were identical with the charges under Section 502 (a), as reported in notices of judgment on drugs and devices, No. 2336. In addition to the misbranding charges applicable to both products, the High Potency Vitamin B Complex tablets was further misbranded under Section 403 (a), in that the statement "High Potency Vitamin B Complex" borne on the label was false and misleading, since the product did not consist of high potency vitamin B complex, but would supply only the minimum adult daily requirement of Vitamin B₁, and smaller proportions of the other vitamins of the B complex.

DISPOSITION: December 5, 1946. Pleas of guilty having been entered, the partnership was fined \$500 and the individual defendant \$100.

13484. Adulteration and misbranding of Berko Vigortone. U. S. v. Beacon Packing Corp. Plea of guilty. Fine, \$300. (F. D. C. No. 12582. Sample No. 21937-F.)

INFORMATION FILED: February 26, 1945, against the Beacon Packing Corp., Brooklyn, N. Y.

ALLEGED SHIPMENT: On or about September 17, 1943, from the State of New York into the State of Pennsylvania.

LABEL, IN PART: "Berko Vigortone * * * Manufactured by Berko Malted Milk Co., Inc., Brooklyn, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), vitamin A, a valuable constituent of the article had been in whole or in part omitted therefrom. The product was represented to contain 1,000 U. S. P. units of vitamin A per ounce, but contained a smaller amount.

Misbranding, Section 403 (a), the name "Vigortone" on the labels was misleading, in that it represented and suggested that the article possessed peculiar tonic and invigorative properties, whereas it did not possess such properties; the labeling was further misleading in that the statements "Vitamin B₂G" and "Vitamin B₂" represented and suggested that the article contained an amount of vitamin B₂ (G) sufficient to make an important contribution to the nutritional needs of the body for this substance, whereas it contained only a negligible amount of the vitamin, which fact was material in the light of the aforesaid statements. The statements on the jar label, "Each Ounce Contains approximately the following active ingredients: Vitamin A 1,000 U. S. P. Units," were false and misleading, since the article contained less than 1,000 U. S. P. units of vitamin A per ounce, namely, less than 250 U. S. P. units of vitamin A per ounce.

Misbranding, Section 403 (j), the article purported to be, and was represented, for special dietary uses by man by reason of its vitamin and mineral properties with respect to vitamins A, B₁, B₂, and D, and calcium, phosphorus, and iron; and its label failed to bear such information concerning its vitamin and mineral properties as has been prescribed by the regulations as necessary in order fully to inform purchasers as to its value for such uses, since its label failed to bear a statement of the proportion of the minimum daily requirements for the aforesaid vitamins and minerals which would be supplied by the article when consumed in a specified quantity during the period of one day, which quantity is the amount customarily or usually consumed during a period of one day or a quantity reasonably suitable for consumption in that period.